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A

HAND BOOK

FOR

INDIAN BAND CHIEFS

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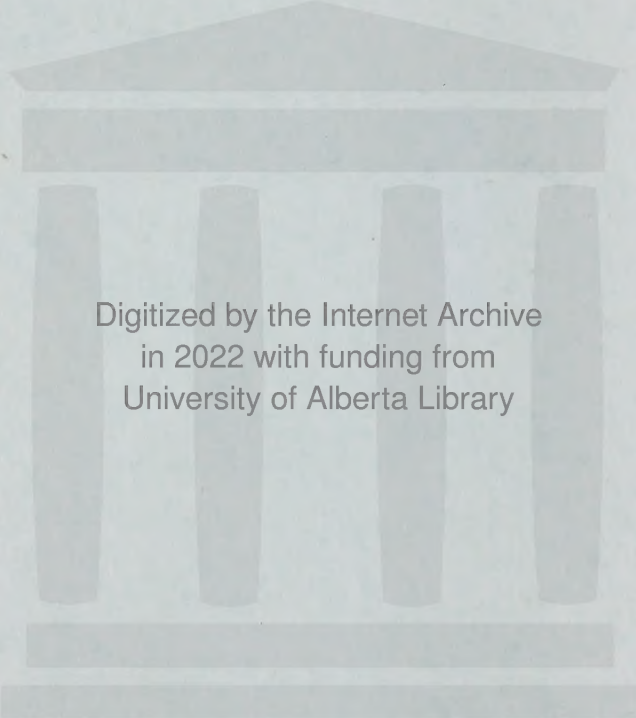
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# **A HANDBOOK FOR INDIAN BAND CHIEFS AND COUNCILLORS**

## **PREFACE**

Band councils have a major part to play in the good government and development of Indian communities. It is therefore imperative that council members be well informed with respect to their duties and responsibilities. The purpose of this Handbook then is to provide chiefs and councillors with information they require for the efficient conduct of their offices. Attention has been given to such matters as the composition and election of band councils, terms of office, the powers and duties of band councils and procedure at council meetings. In addition, a number of questions involving the legal status of Indians have been examined to ensure that council members are well informed in this respect. Should chiefs and councillors be in doubt as to the meaning of any information given in the following pages, it is suggested that they consult the Indian Superintendent. Band council members are also advised to consult the Superintendent concerning questions they might have which are not covered in the Handbook.

## **THE COMPOSITION AND ELECTION OF BAND COUNCILS**

There are two main divisions of Indian chiefs and councillors:

- (i) Those who are chosen according to the custom of the band;
- (ii) Or those who are elected to office in accordance with the election provisions set out in Sections 73-78 of the Indian Act.



In those bands in which council members are chosen according to band custom, the number of council members chosen and their terms of office vary according to the custom of the band concerned. The procedure to be followed in choosing chiefs and councillors also depends upon the custom of each band.

In bands using the elective system, chiefs and councillors hold office for a two-year term. The number of councillors to be elected in any one band will vary according to the population of the band. Section 73(2) of the Indian Act provides that a band council shall consist of one councillor for every one hundred members of the band, but that no band shall have less than two nor more than twelve councillors. However, an exception may be made and the number of councillors may be increased or decreased with the consent of the Minister if, for some good reason, the number of councillors based on population is not satisfactory. The views of the majority of the members of the band with respect to any change would have to be obtained. A band is entitled to only one chief.

Under the elective system there are two alternative methods of electing chiefs and two alternative methods of electing councillors. Chiefs may be elected by a majority of the votes of electors of the band at large, or by the councillors from among themselves. Councillors may be elected by a majority of the votes of the electors of the band or, where a reserve is divided into electoral sections, by a majority of the votes of the electors of a section. Where there are electoral sections councillors must be residents of the section they are to represent, and electors may only vote in the sections in which they are ordinarily resident. No person other than an elector ordinarily resident on the reserve may be nominated for the office of councillor, and no person may be a candidate for election as chief or councillor unless his nomination is moved and seconded by persons who

are themselves eligible to be nominated. A member of a band who is twenty-one years of age or over and who is ordinarily resident on the reserve may vote in band elections.

The manner in which elections are conducted is governed by the Indian Band Election Regulations established by the Governor in Council pursuant to Section 75 of the Indian Act. Information concerning these Regulations is available from the Superintendent.

In bands under the elective system the office of a chief or councillor becomes vacant when the person holding office dies or resigns, is convicted of an indictable offence, or becomes ineligible to hold office by virtue of the Indian Act as, for example, through enfranchisement. In addition, the office of a chief or councillor becomes vacant when the Minister declares that the person holding office has been absent from three consecutive council meetings without being authorized to do so by the chief of the band or the Indian Superintendent. When the office of a chief or councillor becomes vacant more than three months before the date of the next regular election, a special election to fill the vacancy may be held in accordance with the Indian Band Election Regulations.

## THE POWERS AND DUTIES OF BAND COUNCILS

The band council, whether chosen by band custom or elected under the provisions of the Indian Act, is the officially recognized body with which the Department deals in matters relating to band affairs. The council represents the members of the band and is responsible for the exercise of the powers and duties given to councillors under the Act. Generally speaking, a council is concerned with all matters affecting the well-being of band members. Certain specific powers and duties, however, are set out in the Indian Act and include the following subjects:



## Band Membership

The council of the band may protest deletions or additions to the band list in accordance with Section 9 of the Indian Act. In accordance with Section 12 (1a) of the Indian Act the band council may also protest the inclusion in the band list of illegitimate children born on or after August 15, 1956.

Protests by band councils should be made in writing (2 copies) and should be given to the Indian Superintendent for transmission to the Registrar. The Registrar is the officer of the Indian Affairs Branch in charge of the Indian Register in Ottawa.

A notice of protest must contain a brief statement of the grounds therefor, and the onus of establishing those grounds lies on the band council making the protest. If the protest concerns the inclusion in the band list of an illegitimate child, the name of the non-Indian reported to be the father of the child should be included in the notice of protest.

Where a protest is made to the Registrar under Section 9 or Section 12 (1a) of the Indian Act, the Registrar is required to cause an investigation to be made and to render a decision. Within three months of the date of the decision of the Registrar the council of the band may, by notice in writing, request the Registrar to refer the decision to a judge for review.

Band councils are concerned with the transfer of other Indians to their bands. Section 13 of the Indian Act provides that, subject to the approval of the Minister of Citizenship and Immigration, a person whose name appears on a General List may be admitted into membership of a band with the consent of the council of the band. Also a member of another band may be admitted into membership of a band with the consent of the council of the admitting band.

## Reserve Lands

On many reserves parcels of land are held by individual members of the band. Possession of such land is allotted by the council of the band with the approval of the Minister (Section 20 (1)).

Band councils are responsible for certain functions regarding the surrender of reserve lands. Under Section 39 a band council may call a general meeting of the band to consider a proposed surrender by the band of any right or interest in a reserve. At the request of the council of the band the Minister may order that a vote at any band meeting called to consider a surrender, be taken by secret ballot (Section 39 (4)). When a proposed surrender has been assented to by the band in accordance with Section 39, it must be certified on oath by the chief or a member of the council of the band (Section 40).

Section 35 of the Indian Act provides that, with the consent of the Governor in Council, reserve lands may be taken for public purposes without surrender by the band. Ordinarily the consent of the Governor in Council is only given following the agreement of the band council as to the compensation to be paid for the lands or the rights acquired in such lands.

Under Section 28 the Minister may by permit in writing authorize any person to occupy or use a reserve or to reside or otherwise exercise rights on a reserve for a period not exceeding one year. In practice, the consent of the band council is customarily obtained before permission is granted. For periods exceeding one year the consent of the band council is mandatory.

The Minister may authorize the use of lands in a reserve for the purpose of Indian schools, the administration of Indian affairs, Indian burial grounds and Indian health projects. However, the band council's approval is customarily obtained before authorization is given. The consent of the band council is required



before the Minister may authorize the use of lands in a reserve for any other purpose respecting the general welfare of the band (Section 18 (2)).

The consent of the band council is required before uncultivated or unused land in a reserve may be leased (Section 58 (1)). The consent of the band council is also required before temporary permits can be renewed for the taking of sand, gravel, clay and other non-metallic substances upon or under lands in a reserve (Section 58 (4) (b)).

### **Band Fund Management**

The funds of a band are composed of capital moneys obtained from the sale of land or reserve resources and revenue moneys derived from other sources, including land rentals and the interest which the Government of Canada pays annually on the total funds standing to the credit of the band.

Sections 64 and 66 of the Indian Act make possible the use of funds of a band in the interest of the band members and consent of the band council is usually required before expenditures are made. Expenditures of capital moneys relate in large measure to the following:

- (a) Improvements of the reserve such as the construction and maintenance of roads, bridges, ditches and water courses.
- (b) The purchase of land for use by the band as a reserve or as an addition to a reserve.
- (c) The purchase of livestock and farm implements, farm equipment or machinery for the band.
- (d) Loans to band members.
- (e) The construction of houses for members of the band.

With the consent of the council of a band, the Minister may authorize and direct the expenditure of revenue



moneys for any purpose that, in his opinion, will promote the general progress and welfare of the band or any member of the band. The Minister may also make expenditures out of the revenue moneys of the band to assist sick, disabled, aged or destitute Indians of the band, to provide for the burial of deceased indigent members of the band and to provide for the payment of contributions under the Unemployment Insurance Act on behalf of employed persons who are paid in respect of their employment out of moneys of the band. In addition, the Minister may authorize the expenditure of revenue moneys of the band for all or any of the following purposes, namely:

- (a) for the destruction of noxious weeds and the prevention of the spreading or prevalence of insects, pests or diseases that may destroy or injure vegetation on Indian reserves;
- (b) to prevent, mitigate and control the spread of diseases on reserves, whether or not the diseases are infectious or communicable;
- (c) to provide for the inspection of premises on reserves and the destruction, alteration or renovation thereof;
- (d) to prevent overcrowding of premises on reserves used as dwellings;
- (e) to provide for sanitary conditions in private premises on reserves as well as in public places on reserves; and
- (f) for the construction and maintenance of boundary fences.

Although the Minister has final authority for authorizing and directing the expenditure of band funds, the band council, assisted by the Indian Superintendent, is expected to plan and recommend expenditures of the band's revenue moneys. Before the beginning of each fiscal year, the total foreseeable expenditures of revenue

moneys for the next fiscal year should be estimated. The first step in budgeting for expenditures is to review the band fund statements for the years immediately preceding and to note the expenditures which recur annually. The recurrent annual expenditures, which are usually concerned with such items as relief, telephone service, hydro electric costs, funeral expenses, insurance, purchases of seed grain and the maintenance of roads and public buildings, may then be taken into account in drawing up the budget.

The next step in budgeting for expenditures is to estimate the band income for the next year in order to determine how much money will be available. It may be found that more than sufficient funds will be available to cover items of primary need. If this is the case, council may recommend that expenditures be made for additional items or that the surplus revenue moneys be set aside for the future. Where, over a period of years, a considerable free balance of revenue moneys has accumulated, the band council may wish to review its financial position and conditions on the reserve with the object of using this money for special purposes. For example:

- (a) Dwelling construction and repairs.
- (b) The drilling of wells and installing pumps where a better water supply system is required.
- (c) The building of community centres.
- (d) The reclamation of lands which are required for farming or grazing purposes.
- (e) Irrigation projects.

It should be remembered that matters involving large expenditures, extensive building projects, road improvements and land reclamation projects may be considered on a five or ten-year basis so that even if sufficient funds are not available in one year to complete the



improvements judged necessary, a reasonable expenditure over several successive years would bring about the desired result. However, council should be careful to follow the basic principle that the amounts to be spent should be kept within foreseeable income.

Where a band desires to have an expenditure made from capital moneys, council should make its recommendation in the form of a resolution. Such a recommendation must be dealt with separately from the ordinary budget which is concerned with revenue moneys only.

Section 68 of the Indian Act provides for bands to control, manage and expend their revenue funds in whole or in part by having funds transferred to a local bank. The request to have this done must originate with the band council by way of a resolution. In most cases where bands are operating under Section 68 they started by managing the expenditure of only a part of their revenue for particular purposes, and after gaining experience, additional aspects of revenue fund management have been taken on by them.

### **Band Council By-laws**

A band council by-law is a law made by the council of the band for the regulation of the local or internal affairs of the band and its dealings with others. According to Section 80, band councils may make by-laws not inconsistent with the Indian Act or with any regulation established by the Governor in Council or the Minister, for any or all the following purposes, namely:

- (a) to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;
- (b) the regulation of traffic;
- (c) the observance of law and order;
- (d) the prevention of disorderly conduct and nuisances;

- (e) the protection against and prevention of trespass of cattle and other domestic animals, the establishment of pounds, the appointment of pound-keepers, the regulation of their duties and the provision for fees and charges for their services;
- (f) the construction and maintenance of water courses, roads, bridges, ditches, fences and other local works;
- (g) the dividing of the reserve or a portion thereof into zones and the prohibition of the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any such zone;
- (h) the regulation of the construction, repair and use of buildings, whether owned by the band or by individual members of the band;
- (i) the survey and allotment of reserve lands among the members of the band and the establishment of a register of Certificates of Possession and Certificates of Occupation relating to allotments and the setting apart of reserve lands for common use, if authority therefor has been granted under section 60;
- (j) the destruction and control of noxious weeds;
- (k) the regulation of beekeeping and poultry raising;
- (l) the construction and regulation of the use of public wells, cisterns, reservoirs and other water supplies;
- (m) the control and prohibition of public games, sports, races, athletic contests and other amusements;
- (n) the regulation of the conduct and activities of hawkers, peddlers or others who enter the reserve to buy, sell or otherwise deal in wares or merchandise;
- (o) the preservation, protection and management of fur-bearing animals, fish and other game on the reserve;



- (p) the removal and punishment of persons trespassing upon the reserve or frequenting the reserve for prescribed purposes.
- (q) with respect to any matter arising out of or ancillary to the exercise of powers under this section; and
- (r) the imposition on summary conviction of a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days or both fine and imprisonment for violation of a by-law made under this section.

By-laws should be made in such a way as to be easily understood and interpreted by everyone. Council members may seek the advice of the Superintendent when drafting by-laws and may obtain sample by-laws for their guidance. All by-laws should be properly dated and signed by the members of the council.

A by-law made under Section 80 comes into force forty days after a copy thereof is forwarded to the Minister, unless it is disallowed by the Minister within that period, but the Minister may declare the by-law to be in force at any time before the expiration of the forty-day period.

In addition to the powers conferred on a band council under Section 80, council may make money by-laws after Section 82 of the Act has been applied to the band by the Governor in Council. Under Section 82, a band council may make by-laws with the approval of the Minister for any or all the following purposes, namely:

- (a) the raising of money by
  - (i) the assessment and taxation of interests in land in the reserve of persons lawfully in possession thereof, and
  - (ii) the licensing of businesses, callings, trades and occupations;

- (b) the appropriation and expenditure of moneys of the band to defray expenses;
- (c) the appointment of officials to conduct the business of the council, prescribing their duties and providing for their remuneration out of moneys raised pursuant to paragraph (a);
- (d) the payment of remuneration, in such amount as may be approved by the Minister, to chiefs and councillors, out of any moneys raised pursuant to paragraph (a);
- (e) the imposition of a penalty for non-payment of taxes imposed pursuant to this section, recoverable on summary conviction, not exceeding the amount of the tax or the amount remaining unpaid;
- (f) the raising of money from band members to support band projects; and
- (g) with respect to any matter arising out of or ancillary to the exercise of powers under this section.

Bands wishing to come under Section 82 should inform the Superintendent.

### **By-law Enforcement**

Band council by-laws enacted pursuant to paragraphs (b), (c), (d), (n), and (o) of Section 80 of the Indian Act may be enforced as far as possible by the R.C.M. Police depending upon local arrangements.

In other cases by-laws may be enforced as follows, according to the wishes of the band council concerned:

- (i) The band council by resolution may express its desire that prosecution proceedings be initiated against a person or persons alleged to have violated a by-law. The resolution should include the names of one or more members of the council who agree to lay charges with the assistance of a lawyer.



- (ii) This resolution will be considered by the Department and if prosecution proceedings appear justified, the steps will be taken to have a lawyer appointed to handle the prosecution. Where a band has funds, the band council will be asked to recommend the expenditure of band funds to pay in part or in whole the prosecution costs involved.
- (iii) The lawyer who is appointed will meet the band council and arrange for a member of the council to lay charges.

## REGULATIONS CONCERNING BAND COUNCILS

Under the Indian Act a number of regulations have been made which give certain responsibilities to band councils.

### Indian Reserve Dog Regulations

The Indian Reserve Dog Regulations have been made in accordance with Section 72 (d). Where applied they provide for the taxation, control and destruction of dogs on Indian reserves. The band council is responsible for such matters as establishing the amount of tax payable for dog permits and helping to check dog nuisances. With the consent of the band council the head of each family and each person living alone may keep one dog free of tax provided that registration of such dog is made in accordance with the regulations. Not more than five work dogs may also be kept free of tax, provided the council gives its consent.

### Indian Timber Regulations

Regulations for the disposal of timber on Indian reserves have been made pursuant to Section 57. The consent of the band council is required before permits to cut timber for sale may be issued to a band, or to a member or group of members of a band. The consent of

the band council is also required before the right to cut and remove timber from a reserve may be granted to non-members of the band, unless the band has previously consented to the disposal of the timber under the established regulations.

The band council has the responsibility of ensuring that the Permittees operate in the prescribed location and do not overcut.

## **Indian Oil and Gas Regulations**

In connection with these regulations band councils have certain responsibilities concerning the negotiation of amounts to be paid for surface leases and the granting of exploratory permits.

## **Places of Amusement Regulations**

The consent of the band council concerned is required before a license is issued to conduct or operate a place of amusement on a reserve.

## **OTHER RESPONSIBILITIES OF BAND COUNCILS**

As previously stated, the band council is concerned with all matters affecting the well-being of band members. Since these matters touch on nearly every part of daily life, they cannot all be mentioned here. However, some of the most important are included under the following headings:

### **Employment**

Jobs for band members are of primary concern to councils since the economic prosperity of the band depends upon a satisfactory level of employment. Many band members have jobs. For various reasons, others do not and may require help in finding work.

The Indian Affairs Branch, in co-operation with the National Employment Service and other employment agencies, endeavours to find new job opportunities for



Indians whenever possible. From time to time, the band council may be asked by officers of the Branch to recommend men and women on the reserve who they think would make the best use of these opportunities. In giving their recommendations, the band council should remember that employers look for people with qualities of reliability, responsibility and industry.

It is not necessary that the band council be approached by officers of the Branch before recommending that unemployed band members be assisted in finding work. On their own initiative, council should bring such people to the attention of the Indian Superintendent. Council should also inform the Indian Superintendent of band members who they think would benefit by training in the various trades and occupations.

In some areas band councils work directly with employers in finding the right people for jobs that are open. If the employers are to have confidence in their judgment, the band council should be careful to select men and women who they know to be reliable and suited for the work in question. Sometimes difficulties develop on the job in spite of such care and the band council may be asked by the employer to help find the cause of the trouble and to suggest ways in which it might be overcome. In cases of this kind, fairness towards both employer and employee is required.

At certain seasons of the year or because of general economic conditions, some band members may not be able to find jobs and must therefore depend to some extent upon relief assistance until they can find work again. The band council should plan a number of standby community projects which could be carried on voluntarily by these people. Projects of this type might include a general cleaning of the reserve, improvements to community buildings, roads, ditches and fences, and the cutting and storing of firewood for disabled band members. Work of this kind does not replace projects under-

taken by the Departments for the improvement of conditions on the reserve. However, it occupies unemployed band members in tasks that are beneficial to the health and welfare of the band as a whole and avoids periods of unproductive idleness.

## **Social Welfare**

The main purpose of the Indian Affairs Branch social welfare program is to assist Indians and Indian communities to achieve and maintain a standard of living at least comparable to that of non-Indians in non-Indian communities in similar social and economic conditions.

Indians Affairs Branch finances and administers a social welfare program which includes public assistance (food, clothing, fuel, household equipment for indigents,) protection and maintenance services for children, care of the aged, rehabilitation programs for physically and socially handicapped persons.

There is a wide variety of administrative responsibilities which band councils may assume in carrying out effective welfare programs in their respective communities. The Indian Agency Superintendent, chief and councillors may operate as a team in assessing and meeting the welfare needs of members of the band.

One effective method of putting a social welfare program into operation is the establishing of a welfare committee which may be appointed by and responsible to the band council. The committee may act in a consultative and advisory capacity in reserve administration of public assistance, child welfare, care of the aged and rehabilitation projects.

Band councils should play an increasingly active role in promoting the extension and expansion of social benefits and welfare services to reserves and also should encourage the social development of individuals and bands to enable them to assume full responsibility for the management of their own affairs.

## Community Organization

Communities will be healthy and will flourish to the extent that they are capable of solving their problems and meeting their needs. The way in which a community achieves its objective is through organization.

The purposes for which organizations may be created on the reserve are many and will depend upon the particular needs of the community. The band council is itself a form of community organization of a special type. On many reserves, Indian Homemakers' Clubs, representing the interests of Indian women, work toward the betterment of home life. Other organizations include the 4-H Clubs and Calf Clubs for young farmers and ranchers, the Boy Scout and Girl Guides Associations, study groups and recreational societies.

Certain rules and conditions must be fulfilled if the organizations are to operate effectively. The starting point is usually a group of people with a common interest or particular objectives which they wish to achieve. These people should then hold a meeting under the leadership of the band council, the Indian Superintendent or a member of the band who is especially interested in the formation of the organization. The purpose of this meeting is to draw up a constitution governing such things as the name of the organization, its objectives, its membership, the officers it will have, the formation of committees for special tasks and the time and place at which the organization will regularly meet. At this or the next meeting the officers may be elected and the organization can then begin to carry out its objectives under their direction.

The band council should encourage band members to form and maintain the types of organizations that are needed on the reserve. Although these organizations cannot assume the powers and duties of council itself, they can do much to improve conditions on the reserve and give the people a greater interest in the development of their community.



## BAND COUNCIL MEETINGS

Band council meetings are the most important aspect of band council administration, for it is at these meetings that a large part of band council business is actually carried out. It is therefore essential that council meetings be regularly held, fully attended and well conducted. Regulations governing procedure at Indian band council meetings have been established pursuant to Section 79 of the Indian Act, and copies of these regulations may be obtained from the Superintendent. The regulations apply to band councils elected pursuant to section 73 of the Indian Act. Councils elected according to band custom will find it useful to follow the procedures set out in the regulations.

### **Leadership Training**

Leadership training courses are arranged in various locations throughout the country for chiefs, councillors, leaders of existing organizations and potential leaders. Content varies depending on the needs and wishes of those who attend the courses. Generally, the participants have acquired greater understanding of leadership requirements along with specific skills that have helped them, later, to be more effective leaders on their reserves. Indian Superintendents may be consulted for further information.

### **Community Development**

In 1964 the Minister of citizenship and immigration announced the introduction of a community development program on Indian reserves.

“Community development” represents the processes by which the efforts of Indian communities will be mobilized with those of the government for the benefit of the Indian people. In the context of Indian Affairs, it is anticipated that community development will consist of two essential elements: participation by the

Indians themselves in efforts to improve their level of living with as much reliance as possible on their own initiative, and the provision of technical and other services in ways which will encourage initiative and establish a basis for self-sufficiency.

One of the end results of the community development program will be to accelerate the transfer to Indian communities of the responsibility and authority for the management of their own affairs. It is also anticipated that as this program is developed over the years, it will assist in improving the economic, social and cultural life of all Canadian Indians.

The success of this program on a reserve will depend mainly on the interest and support of the band council.

### **Cultural Affairs**

In addition to the community development program, encouragement and incentives are being given to Indians to develop various forms of their cultural expression in the arts, music, sports, and special radio and television series. People of Indian origin are being used in this program to arrange scholarships, assist in the organization of local exhibitions, and provide consultation services as required. Further information may be obtained from Indian Superintendents.

The council of the band should meet at regular times, or as often as the affairs of the band may require. Usually a monthly meeting is sufficient, although special meetings may be called to deal with urgent business. The first meeting of the council should be held not later than one month after its election. The outgoing band council should turn over minute books, copies of band council resolutions, by-laws and other band documents to the incoming band council immediately following a band council election.

In order that the council may proceed with the business of a meeting, it is necessary that a quorum (the

required number of council members) be present. A majority of the whole council constitutes a quorum, but where a council consists of nine or more members, five members constitute a quorum. To assure that a quorum is always present, council members should make every effort to attend all meetings. It should be noted that no member of a council may be absent from three consecutive meetings without being authorized to do so by the chief of the band or Superintendent, with the consent of the majority of the councillors of the band. Council members who fail to attend meetings regularly may be removed from office.

The chief of the band or, with the consent of the majority of the councillors present at the meeting, the Superintendent is the presiding officer or chairman. In the absence of the chief and where the Superintendent is not chosen as the presiding officer, a chairman is chosen from among the councillors present, who presides during the meeting.

When a quorum is present, the presiding officer takes the chair and calls the meeting to order. The order of business at each regular meeting is as follows:

- (a) Reading (correction, if any) and adoption of the minutes of the previous meeting;
- (b) Unfinished business;
- (c) Presentation and reading of correspondence and petitions;
- (d) Presentation and consideration of reports of committees;
- (e) New business;
- (f) Hearing depositions;
- (g) Adjournment.

Council meetings should be conducted in a business-like manner in accordance with accepted procedure for the conduct of meetings. For instance, when any mem-



ber desires to speak he shall address his remarks to the presiding officer and confine himself to the question then before the meeting. In the event of more than one member desiring to speak at one time, the presiding officer shall determine who is entitled to speak. All questions before the council shall be decided by a majority vote of the councillors present.

## COMMITTEES

At its first meeting the band council may appoint the following standing committees from among its members;

- (a) Finance;
- (b) Roads and Bridges;
- (c) Welfare, and
- (d) Education.

From among its members the council may also appoint special committees on any matters as the interests of the band may require, as, for example, health and sanitation. All band councils should give serious consideration to the appointment of a special committee on community planning since an overall plan is essential for ensuring the orderly development of the community.

The general duties of standing and special committees are:

- (a) To report to the council from time to time all matters connected with the duties imposed on them, together with any recommendations they wish to make;
- (b) To consider and report upon all matters referred to them by the council or by the chief of the band.

Band councils will be more effective if their decisions are based on sound information. Committees can be of valuable service in helping to gather this information and in making recommendations which will draw the

council's attention to matters requiring consideration. Wherever possible, committee members should be chosen for their special interest and ability. This will help to assure that committees carry out their duties efficiently.

The Department has authorized the establishment of education committees under band councils. Each band council should carefully consider the advisability of setting up such a committee to assist it in the performance of its work in the field of education. The education committee should consist of three people especially interested in educational matters which affect the children on the reserve. Full particulars regarding the establishment and duties of this type of committee may be found in the Regulations for the Organization of School Committees on Indian Reserves. These Regulations are available from the Agency Superintendent.

## LEGAL STATUS OF INDIANS

Because of their responsible position, band councillors and chiefs should be familiar with the legal status of Indians in Canada. The following are some of the questions which seem to arise most frequently in this connection:

### (1) Are Indians Canadian citizens?

Yes. Indians are citizens of Canada and subject to the laws relating specifically to them, have the same rights, privileges and responsibilities as other citizens.

### (2) Are Indians subject to the general law of the land?

Yes. Indians are subject to the general law of the land, both civil and criminal, in the same manner as others.

### (3) What is the position of Indians with respect to debts and obligations?

With respect to debts and obligations, Indians are regarded as being in the same position as other citizens, except that, under the provisions of Section 88 of the Indian Act, Indians are protected from seizure of their real and personal property situated on a reserve. (When an Indian buys an article on the instalment or credit plan and the title to the article is held by the person who sold it, then, of course, it may be seized even if it is situated on a reserve.)

- (4) Are Indians exempt from taxation on real and personal property held on a reserve?

Yes, except that this exemption does not extend to taxation which may be imposed by band councils under Section 82 (1) (a) (i) of the Indian Act.

- (5) Are Indians liable for taxation of property held off the reserve?

Indians are liable for taxation of property held off the reserve and any income they earn off a reserve in the same manner as other citizens.

- (6) Must Indians pay duty on goods which they bring into Canada from the United States and other countries?

Yes. Canadian customs laws apply equally to Indians as they do to others.

- (7) May Indians vote at Federal elections?

Yes.

- (8) Does voting at Federal elections alter the status of an Indian as a member of the band?

No. Voting at Federal elections does not alter the status of an Indian as a member of the band. He retains his status as an Indian and may continue to receive any benefits to which he may be entitled under treaty or the Indian Act.



(9) May Indians vote at Provincial elections?

The position of Indians with respect to voting at Provincial elections is governed by the electoral laws of the various Provinces. At the time of writing (October, 1964) Indians may vote on the same basis as other citizens in Provincial elections in British Columbia, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia and Newfoundland, and in the elections of the Northwest Territories Council and the Yukon Council. Band council members should check with the Superintendent for any changes in other Provinces.



